

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

James Patrick Thomas Bernardo,  
Plaintiff,  
v.  
Paul Penzone, et al.,  
Defendants.

No. CV-23-02569-PHX-ROS  
**ORDER**

Magistrate Judge Michael T. Morrissey issued a Report and Recommendation (“R&R”) recommending the Court dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b) for Plaintiff’s failure to prosecute and comply with Court Order (Doc. 10). On July 1, 2024, Judge Morrissey ordered Plaintiff to either (1) file a notice of change of address or (2) show cause why this case should not be dismissed for failure to prosecute in light of his failure to file a notice of change of address (Doc. 8). Plaintiff did not file a notice of change of address or otherwise respond. Plaintiff also failed to object to the R&R. Thus, the R&R will be adopted in full.

Accordingly,

**IT IS ORDERED** the Report and Recommendation (Doc. 10) is **ADOPTED IN FULL**.


**IT IS FURTHER ORDERED** this action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff’s failure to prosecute.

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1           **IT IS FURTHER ORDERED** the Clerk of Court shall close this case.

2           Dated this 7th day of October, 2024.

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7           Honorable Roslyn O. Silver  
8           Senior United States District Judge  
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